HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

WRIT PETITION No.27439 OF 2006

Between:

Khaja Abdul Sattar

. . .Petitioner

AND

Superintendent Engineer,
APCPDCL, Hyderabad and others

. . .Respondents

:: ORDER ::

Counsel for the petitioner : Shri Sharad Sanghi

Counsel for the respondents : Shri O.Manohar Reddy

Dated: 29th August, 2007

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In this petition, the petitioner has prayed for quashing order dated 16.05.2006 passed by Superintendent Engineer, assessment, APCPDCL, Hyderabad in appeal No.S.A.P.6 5149 of May, 2006.

The petitioner is a consumer of electricity supplied by AP TRANSCO. He has a domestic connection bearing No.S941333. On 30.11.2004, the petitioner's premises were inspected by Shri T.Rajender Singh, Additional Assistant Engineer, Operation, Rethi Bowli section along with D.Kumar, Assistant Lineman and Satyanarayana, casual labour. They are said to have found that the electricity meter was kept in a slanted position so that it may record less consumption. On receipt of the inspection report, the competent authority issued provisional assessment letter dated 03.02.2005. This was followed by show cause notice dated 14.02.2005. The petitioner filed reply dated 08.07.2005. After considering the same, Divisional Engineer, Assessments, Hyderabad passed order dated 15.07.2005, whereby he created liability of Rs.83,870/- against the petitioner.

The petitioner challenged the final order of assessment by filing an appeal under Section 38 of Andhra Pradesh Electricity Reforms Act, 1988 read with Section 127 of Electricity Act, 2003. In para 2 of the grounds of appeal, the petitioner claimed that the allegation of keeping the meter in a slanted position was false and baseless and the respondent be called upon to produce the connected records such

as inspection notes, previous bills entries, the date of the inspection and the report of chemical analysis of the meter. Respondent No.1 partly allowed the appeal and reduced the demand from Rs.83,870/- to Rs.42,004/-.

Feeling dissatisfied with the appellate order, the petitioner has invoked jurisdiction of this Court under Article 226 of the Constitution of India.

I have heard Shri Sharad Sanghi, learned counsel for the petitioner and Shri O.Manohar Reddy appearing for the respondents and perused the record.

Although the petitioner has questioned the order of the appellate authority on several grounds, I do not consider it necessary to deal with the same because at the hearing, Shri O.Manohar Reddy fairly stated that the said order does not satisfy the requirement of speaking order inasmuch as it does not show consideration of the specific plea taken by the petitioner in the memo of appeal and in that view of the matter, I feel that the ends of justice will be met by remitting the matter to Superintendent Engineer concerned for fresh adjudication of the appeal preferred by the petitioner against the order of final assessment.

In the result, the writ petition is allowed. Order dated 16.05.2006 passed by Superintendent Engineer is quashed with the direction that the concerned officer shall, after affording opportunity of personal hearing to the petitioner pass fresh order. The needful be done within three months from the date of receipt/presentation of copy of this order.

G.S.SINGHVI, CJ

29th August, 2007

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